

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH SOOHOO

Appeal No. 2005-1036
Application 09/261,081

ON BRIEF

Before BARRETT, OWENS and NAPPI, *Administrative Patent Judges*.
OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from a rejection of claims 30-38, 67 and 68, which are all of the pending claims.

THE INVENTION

The appellant claims a method for displaying a shape such as a character. Claim 30 is illustrative:

30. A method for displaying a shape the method comprising:
receiving a command to generate the shape, the shape to be displayed a particular size on a display,
requesting a bit map rendering of the shape in which the shape has a size larger than the particular size, wherein
various portions of the bit map correspond to a pixel; and
among the various bits that correspond to the pixel, different bits correspond to different locations on the character;
based on a percentage of bits that are on in respective portions of the bit map, determining luminances for the corresponding pixels of a rendering of the shape on the display having the particular size; and
displaying the shape on the display in the particular size with the pixels the determined luminances.^[1]

THE REFERENCES

Kumazaki et al. (Kumazaki)	5,555,360	Sep. 10, 1996
Nishida	6,208,319	Mar. 27, 2001
	(\$ 102(e) date Nov. 6, 1997)	

¹ In the event of further prosecution the examiner and the appellant should address whether there is adequate antecedent basis in claim 30 for "the character".

THE REJECTION

Claims 30-38, 67 and 68 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nishida in view of Kumazaki.


OPINION

We affirm the rejection of claims 30-38 and 67, and reverse the rejection of claim 68.

The appellant states that the claims stand or fall in two groups: 1) claims 30-38 and 67, and 2) claim 68 (brief, page 4). We therefore limit our discussion to claim 68 and one claim in the other group, i.e., claim 30. See *In re Ochiai*, 71 F.3d 1565, 1566 n.2, 37 USPQ2d 1127, 1129 n.2 (Fed. Cir. 1995); 37 CFR § 1.192(c)(7)(1997).

Claim 30

Nishida discloses delivering display signals to respective blocks of a plural-block, two-dimensional pixel arrangement to collectively control the display states of the entirety of display elements belonging to the respective blocks (col. 6, lines 52-56). When an electric bulb corresponds to plural blocks and only some of the blocks are to be in the luminous state, the luminance the electric bulb is reduced proportionately (col. 18, line 54 - col. 19, line 21). Because the display signal includes address information indicating individual pixel positions, it can



be caused to directly undergo digital operation to enlarge or shrink the picture image (col. 20, lines 53-64).

The appellant argues (brief, page 5):

Nishida fails to teach receiving a command to display a shape a particular size, and requesting a bit map rendering of the shape larger than the particular size. Rather, since Nishida teaches a generic display signal, there is no teaching of receiving a command to display a shape a particular size, and then to request a bit map rendering of the shape larger than that particular size.

The appellant argues as though claim 30 requires carrying out the first two steps in the recited order, which is not the case. Those steps encompass Nishida's formation of a bit map rendering of a shape having a size larger than the particular size to be displayed, and then receiving a command to generate the particular display size shape by shrinking the shape.

The appellant argues (reply brief, page 4):

Claim 30 refers to receiving a command to display a shape a particular size, and then to request a bit map rendering of the shape larger than the particular size. The Examiner's Answer fails to show a teaching of rendering the shape larger than the particular size, where the particular size is the size that the shape is to be displayed according to the received command. Rather, the Examiner's Answer simply points to a general concept of enlarging shapes.

Nishida also discloses shrinking shapes (col. 20, lines 60-64), and that disclosure would have fairly suggested, to one of ordinary skill in the art, shrinking the shape to a particular desired size.

The appellant argues (brief, page 6):

[T]he cited portion of Nishida [col. 22, lines 49-67] teaches devices selecting a command in conformity with their own resolution."[sic] (Nishida, column 22, lines 49-51) Thus, Nishida is not teaching requesting a bit map rendering of the shape larger than the particular size in which the shape is to be displayed as claimed in claim 30, because Nishida is teaching selection of a command in conformity with the device's resolution. Further, this section of Nishida is teaching selection of an already existing command, rather than requesting a bit map rendering of a shape larger than the particular size in which the shape is to be displayed.

The appellant's claim 30 does not prevent the bit map from being formed in conformity with the device's own resolution. The claim merely requires that the bit map rendering of the shape is larger than the display size. The smaller display size can be obtained by shrinking the bit map rendering of the shape. As for the appellant's argued distinction between Nishida's selection of a command to display a shape and the appellant's requesting of a bit map rendering of a shape, claim 30 does not exclude requests that are in the form of a selection of a command.

We therefore are not convinced of reversible error in the examiner's rejection of claim 30 over the applied prior art. Accordingly, we affirm the rejection of that claim and claims 31-38 and 67 that stand or fall therewith.

Claim 68

A requirement of claim 68 is that "if the character has already been processed and is available in a cache, displaying the character".

The examiner argues (answer, page 6):

Nishida fails to disclose a cache for storing characters already processed. Nishida discloses memory, figure 9. It would have been obvious to one of ordinary skill in the art at the time of the invention to include storing processed characters to deliver high-speed operations.

The memory (17) in Nishida's figure 9 stores addresses and data (col. 13, lines 39-55). The examiner's argument that a disclosure of such a memory would have fairly suggested, to one of ordinary skill in the art, a cache for storing characters clearly is based upon impermissible hindsight in view of the appellant's disclosure. See *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983),

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cert. denied, 469 U.S. 851 (1984); *In re Rothermel*, 276 F.2d 393, 396, 125 USPQ 328, 331 (CCPA 1960). Consequently, we reverse the rejection of claim 68.²

DECISION

The rejection of claims 30-38, 67 and 68 under 35 U.S.C. § 103 over Nishida in view of Kumazaki is affirmed as to claims 30-38 and 67 and is reversed as to claim 68.

² The examiner does not rely upon Kumazaki for any disclosure that remedies the above-discussed deficiency in Nishida as to claim 68.

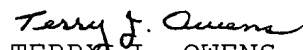
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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a)(1)(iv).

AFFIRMED-IN-PART


LEE E. BARRETT

Administrative Patent Judge


TERRY J. OWENS

Administrative Patent Judge


ROBERT E. NAPPI

Administrative Patent Judge

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